

Application No. 10/008,971
Amendment "A" dated December 7, 2005
Reply to Office Action mailed October 4, 2005

REMARKS

The Office Action mailed October 4, 2005 considered claims 1-28. Claims 1-28 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 6,106,574 to *Baisley et al* (hereinafter "*Baisley*").¹ Claims 1, 26, and 27 have been amended and claims 1-28 remain pending of which claims 1, 26, and 27 are the only independent claims.

The claims in the present application are generally directed to being able to modify compiled binary data without requiring recompilation of the binary data. This is accomplished by having portions of the binary data that can be variable, and running a script that substitutes one block of binary data for another block of binary data. Previously heretofore, and even as illustrated in *Baisley*, to change binary data, source code had to be changed and recompiled to change the binary content files.

For example, claim 1 of the present application recites a method performed in a local computing device that includes a customization module that receives one or more input files and generates at least an output file. The method includes acts for customizing a binary content file without recompiling source code associated with the binary content file so as to modify the behavior of the binary content file when the binary content file is executed at a destination computing device. The method includes an act of receiving a *compiled* binary content file that includes variables that are assigned current values. The method further includes an act of receiving a script file that includes references to updated values for one or more of the variables. The script files are processed to change the current values of the one or more variables to the updated values for the one or more variables in the compiled binary content file.

Claim 26 is similar to claim 1 except that it is drafted to include non-functional "step for" language. Claim 27 is a computer program product that includes computer executable instructions for implementing the acts of claim 1.

The Examiner rejected all of the claims of the present application as being anticipated by *Baisley et al.* Applicants strongly traverse this rejection, but have nonetheless amended the

¹ Although the prior art status of the cited art is not being challenged at this time, Applicants reserve the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

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claims of the present application to further clarify the claims and to further illustrate some of the novelty of the claimed invention.

Baisley is directed to correlating source file locations to objects within a compiler. Col. 3, lines 1-2. This allows the compiler to show a source location (*i.e.* a location in the source code) when issuing a diagnostic message. Col. 1, lines 64-66. Further, this allows for debugging executed binary files. Col. 2, lines 2-14. *Baisley*, however is silent on being able to substitute variables in binary content files. *Baisley* simply shows a process whereby references can be made such that compiled code can correlate with source code to pinpoint errors in the source code. *Baisley* does not show changing current values of one or more variables to the updated values for the one or more variables in the *compiled* binary content file. Any changes in *Baisley* are done at the source code level, not at the compiled code level.

Baisley fails to disclose nearly every element of the claimed invention. For example, *Baisley* makes no mention of script files and thus cannot disclose processing script files to change the current values of the one or more variables to the updated values for the one or more variables in the compiled binary content file. The portion of *Baisley* that the Examiner points to as showing processing the script file (Col. 5, lines 12-21) actually shows only a table mapping source code locations to machine instructions. As described previously, this is done for debugging purposes and not for substituting one piece of binary code for another in a compiled binary content file.

Baisley fails to anticipate the claims of the present application. As such, Applicants respectfully request that *Baisley* be withdrawn as a reference to the claims of the present application.

Furthermore, although the foregoing remarks have been focused primarily on the independent claims, it will be appreciated that all of the rejections and assertions of record with respect to the independent claims, as well as the dependent claims, are now moot, and therefore need not be addressed individually.

Applicants, however, would like to particularly point out that while Applicants do not need to address every independent claim, the same cannot be said for the Examiner's responsibility. The Examiner must address each claim whether independent or dependant. Applicants note that this application has 28 claims. The Examiner, however, has not provided any specific references for the elements set forth in claims 2, 4, and 6-25. A total of 21 claims

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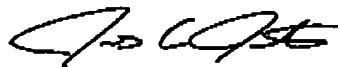
have not had each of their elements addressed by the Examiner. Applicants respectfully request that the Examiner perform a thorough and complete evaluation of *each* of the claims of the present application.

It should be appreciated that Applicant does not necessarily acquiesce to any assertions in the previous Office Action that are not specifically addressed above, and hereby reserves the right to challenge those assertions at any appropriate time in the future, should it arise, including any official notice.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 8 day of December, 2005.

Respectfully submitted,



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